

Golder Associates Inc.

18300 NE Union Hill Road, Suite 200
Redmond, WA USA 98052-3333
Telephone (425) 883-0777
Fax (425) 882-5498



December 5, 2002

Our ref: 013-1421-001.000

Nancy J. Gloman
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, WA 98503-1273

**RE: BP CHERRY POINT REFINERY COGENERATION PROJECT
ENDANGERED SPECIES ACT LISTED SPECIES**

Dear Ms. Gloman:

Golder Associates Inc. is assisting the BP Cherry Point Refinery with an Endangered Species Act Biological Evaluation (BE). The BE is for a proposed cogeneration plant to be located adjacent to the refinery in Blaine, Washington. In addition to the power plant, a short transmission line corridor will be established linking the proposed power plant to the nearest existing power line corridor.

The location coordinates for the proposed power plant and pipelines are as follows:

- Whatcom County, Washington, near the intersection of Grandview and Blaine Roads
- T39N, R1E, Section 8
- Latitude 48°53.252' N, longitude 122°43.266' W.

We anticipate that the Army Corps of Engineers will request a BE in response to Sections 401 and 404 permit application because of potential disturbance of existing wetlands. Thus, we are requesting a list of known occurrences of listed threatened or endangered and proposed or candidate species in the project vicinity. This species list was previously requested on August 22, 2002. However, because of delays in wetland mitigation design planning and the anticipated schedule of the permit application submission, we request a new updated list for this project site.

Please send the information as soon as possible to my attention at Golder Associates Inc. If you have any questions, please call me at (425) 883-0777 or e-mail at <mkyte@golder.com>. Thank you for your assistance.

Sincerely,

GOLDER ASSOCIATES INC.

Michael A. Kyte
Senior Marine Biologist

cc: Jim Thornton

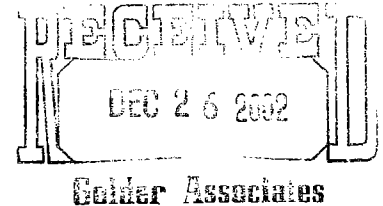
MAK/lag
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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503
Phone: (360) 753-9440 Fax: (360) 534-9331



DEC 23 2002

Dear Species List Requester:

We (U.S. Fish and Wildlife Service) are providing the information you requested to assist your determination of possible impacts of a proposed project to species of Federal concern. Attachment A includes the listed threatened and endangered species, species proposed for listing, candidate species, and/or species of concern that may be within the area of your proposed project.

Any Federal agency, currently or in the future, that provides funding, permitting, licensing, or other authorization for this project must assure that its responsibilities under section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act), are met. Attachment B outlines the responsibilities of Federal agencies for consulting or conferencing with us.

If both listed and proposed species occur in the vicinity of a project that meets the requirements of a major Federal action (i.e., "major construction activity"), impacts to both listed and proposed species must be considered in a biological assessment (BA) (section 7(c); see Attachment B). Although the Federal agency is not required, under section 7(c), to address impacts to proposed species if listed species are not known to occur in the project area, it may be in the Federal agency's best interest to address impacts to proposed species. The listing process may be completed within a year, and information gathered on a proposed species could be used to address consultation needs should the species be listed. However, if the proposed action is likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat, a formal conference with us is required by the Act (section 7(a)(4)). The results of the BA will determine if conferencing is required.

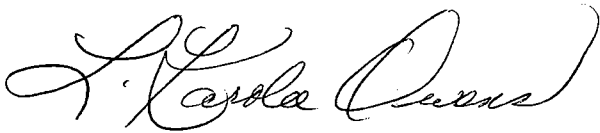
The Federal agency is responsible for making a determination of the effects of the project on listed species and/or critical habitat. For a Federal agency determination that a listed species or critical habitat is likely to be affected (adversely or beneficially) by the project, you should request section 7 consultation through this office. For a "not likely to adversely affect" determination, you should request our concurrence through the informal consultation process.

Candidate species and species of concern are those species whose conservation status is of concern to us, but for which additional information is needed. Candidate species are included as an advance notice to Federal agencies of species that may be proposed and listed in the future. Conservation measures for candidate species and species of concern are voluntary but recommended. Protection provided to these species now may preclude possible listing in the future.

For other federally listed species that may occur in the vicinity of your project, contact the National Marine Fisheries Service (NOAA Fisheries) at (360) 753-9530 to request a list of species under their jurisdiction. For wetland permit requirements, contact the Seattle District of the U.S. Army Corps of Engineers for Federal permit requirements and the Washington State Department of Ecology for State permit requirements.

Thank you for your assistance in protecting listed threatened and endangered species and other species of Federal concern. If you have additional questions, please contact Yvonne Dettlaff (360) 753-9582.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ken S. Berg".

for

Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

Enclosure(s)

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, CRITICAL
HABITAT, CANDIDATE SPECIES, AND SPECIES OF CONCERN THAT MAY
OCCUR IN THE VICINITY OF THE PROPOSED
CHERRY POINT REFINERY COGENERATION PROJECT
IN WHATCOM COUNTY, WASHINGTON**

(T39N R1E S8)

FWS REF: 1-3-03-SP-0394

LISTED

Wintering bald eagles (*Haliaeetus leucocephalus*) may occur in the vicinity of the project. Wintering activities occur from October 31 through March 31.

Bull trout (*Salvelinus confluentus*) may occur in the vicinity of the project.

Major concerns that should be addressed in your biological assessment of the project impacts to listed species include:

1. Level of use of the project area by listed species;
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project; and
3. Impacts from project construction (i.e., habitat loss, increased noise levels, increased human activity) that may result in disturbance to listed species and/or their avoidance of the project area.

PROPOSED

None

CANDIDATE

None

CRITICAL HABITAT

None

SPECIES OF CONCERN

The following species of concern have been documented in the county where the project is located. These species or their habitat could be located on or near the project site. Species in **bold** were specific occurrences located on the database within a 1-mile radius of the project site.

California wolverine (*Gulo gulo luteus*)
Cascades frog (*Rana cascadae*)
Coastal cutthroat trout (*Oncorhynchus clarki clarki*)
Long-eared myotis (*Myotis evotis*)
Long-legged myotis (*Myotis volans*)
Northern goshawk (*Accipiter gentilis*)
Olive-sided flycatcher (*Contopus cooperi*)
Pacific fisher (*Martes pennanti pacifica*)
Pacific lamprey (*Lampetra tridentata*)
Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)
Peregrine falcon (*Falco peregrinus*)
River lamprey (*Lampetra ayresi*)
Tailed frog (*Ascaphus truei*)

ATTACHMENT B

FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) AND 7(c) OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED

SECTION 7(a) - Consultation/Conference

- Requires:
1. Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
 2. Consultation with the U.S. Fish and Wildlife Service (FWS) when a Federal action may affect a listed endangered or threatened species to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after it has determined if its action may affect (adversely or beneficially) a listed species; and
 3. Conference with the FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or an adverse modification of proposed critical habitat.

SECTION 7(c) - Biological Assessment for Construction Projects *

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify any proposed and/or listed species that is/are likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, please verify the accuracy of the list with the Service. No irreversible commitment of resources is to be made during the BA process which would result in violation of the requirements under Section 7(a) of the Act. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should (1) conduct an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within the FWS, National Marine Fisheries Service, state conservation department, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures; and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. Upon completion, the report should be forwarded to our Endangered Species Division, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503-1273.

* "Construction project" means any major Federal action which significantly affects the quality of the human environment (requiring an EIS), designed primarily to result in the building or erection of human-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal action such as permits, grants, licenses, or other forms of Federal authorization or approval which may result in construction.

Golder Associates Inc.

18300 NE Union Hill Road, Suite 200
Redmond, WA USA 98052-3333
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Fax (425) 882-5498



August 22, 2002

Our ref: 013-1421-001.008

Nancy J. Gloman
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503-1273

RE: ENDANGERED SPECIES ACT LISTED SPECIES
BP CHERRY POINT REFINERY COGENERATION PROJECT

Dear Ms. Gloman:

Golder Associates Inc. is assisting the BP Cherry Point Refinery with an Endangered Species Act Biological Evaluation (BE). The BA is for a proposed cogeneration plant to be located adjacent to the refinery in Blaine, Washington. In addition to the power plant, a short transmission line corridor will be established linking the proposed power plant to the nearest existing power line corridor.

A map of the project location is included with this letter. The location coordinates for the proposed power plant and pipelines are T39N, R1E, Section 8 and approximately latitude 48°53.252' N and longitude 122°43.266' W (square symbol at the center of the enclosed map).

We anticipate that the Army Corps of Engineers will request a BE in response to Sections 401 and 404 permit application. Thus, we are requesting a list of known occurrences of listed threatened or endangered and proposed or candidate species in the project vicinity. This species list was previously requested on November 6, 2001. However, because of the anticipated schedule of the permit application submission and the fact that the Service has recently published an updated list, we request a new updated list for this project site.

Please send the information as soon as possible to my attention at Golder Associates Inc. If you have any questions, please call me at (425) 883-0777 or e-mail at <mkyte@golder.com>. Thank you for your assistance.

Sincerely,

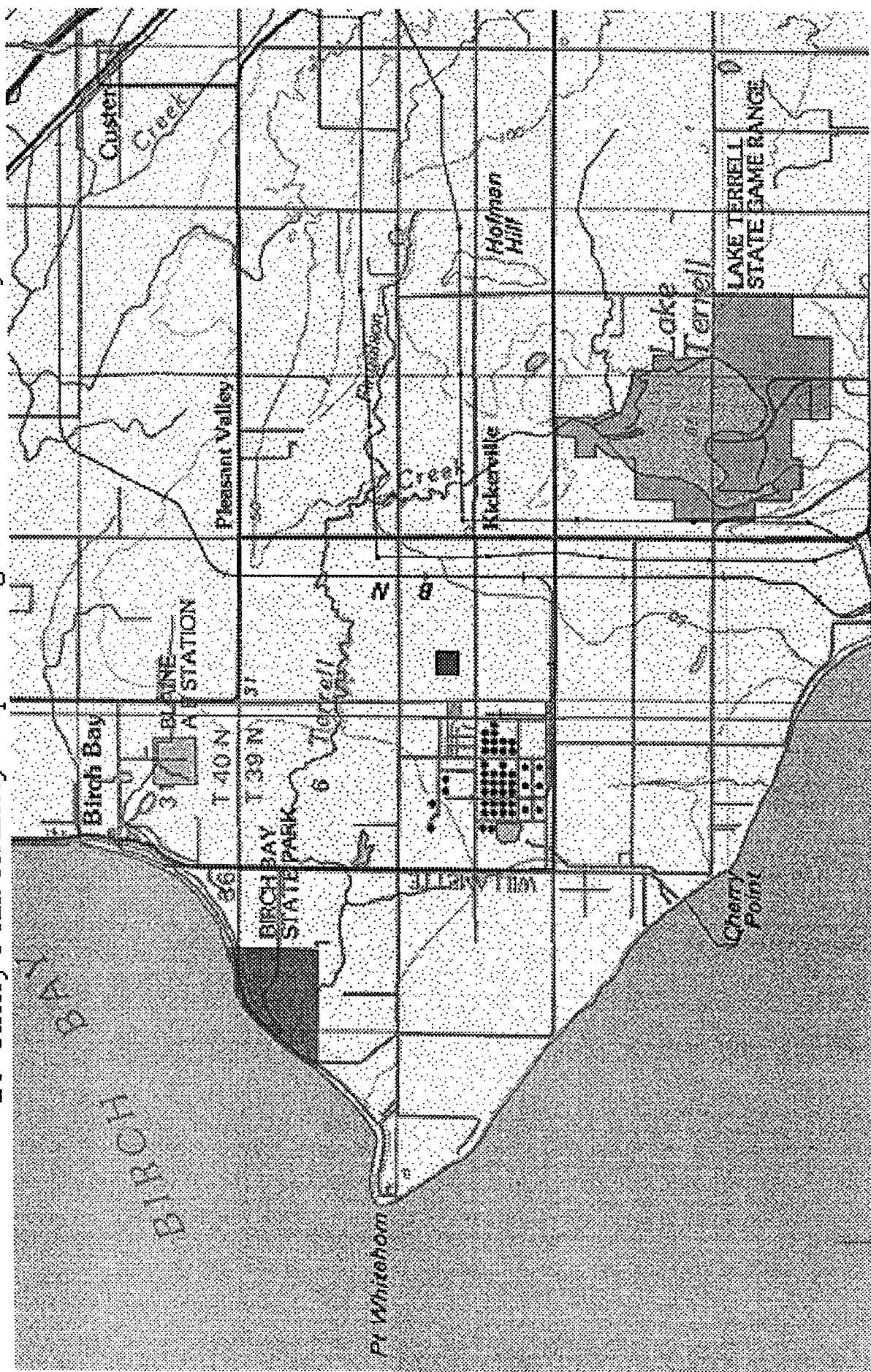
A handwritten signature in black ink, appearing to read "Michael A. Kyte", with a stylized flourish at the end.

Michael A. Kyte
Senior Marine Biologist

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cc: Jim Thornton

BP Cherry Point Refinery Proposed Cogeneration Plant Vicinity





United States Department of the Interior

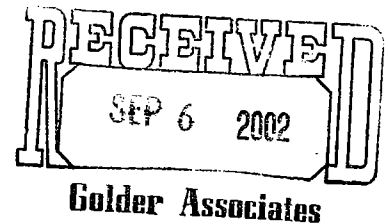
FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 534-9331



SEP 4 2002

Dear Species List Requester:

We (U.S. Fish and Wildlife Service) are providing the information you requested to assist your determination of possible impacts of a proposed project to species of Federal concern. Attachment A includes the listed threatened and endangered species, species proposed for listing, candidate species, and/or species of concern that may be within the area of your proposed project.

Any Federal agency, currently or in the future, that provides funding, permitting, licensing, or other authorization for this project must assure that its responsibilities under section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act), are met. Attachment B outlines the responsibilities of Federal agencies for consulting or conferencing with us.

If both listed and proposed species occur in the vicinity of a project that meets the requirements of a major Federal action (i.e., "major construction activity"), impacts to both listed and proposed species must be considered in a biological assessment (BA) (section 7(c); see Attachment B). Although the Federal agency is not required, under section 7(c), to address impacts to proposed species if listed species are not known to occur in the project area, it may be in the Federal agency's best interest to address impacts to proposed species. The listing process may be completed within a year, and information gathered on a proposed species could be used to address consultation needs should the species be listed. However, if the proposed action is likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat, a formal conference with us is required by the Act (section 7(a)(4)). The results of the BA will determine if conferencing is required.

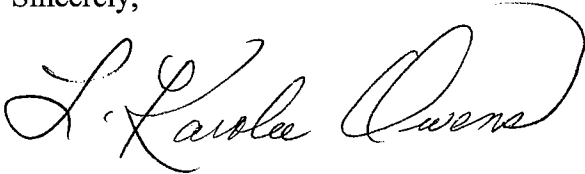
The Federal agency is responsible for making a determination of the effects of the project on listed species and/or critical habitat. For a Federal agency determination that a listed species or critical habitat is likely to be affected (adversely or beneficially) by the project, you should request section 7 consultation through this office. For a "not likely to adversely affect" determination, you should request our concurrence through the informal consultation process.

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For other federally listed species that may occur in the vicinity of your project, contact the National Marine Fisheries Service (NOAA Fisheries) at (360) 753-9530 to request a list of species under their jurisdiction. For wetland permit requirements, contact the Seattle District of the U.S. Army Corps of Engineers for Federal permit requirements and the Washington State Department of Ecology for State permit requirements.

Thank you for your assistance in protecting listed threatened and endangered species and other species of Federal concern. If you have additional questions, please contact Yvonne Dettlaff (360) 753-9582.

Sincerely,

A handwritten signature in cursive script, reading "L. Lavie Owens". The signature is written in dark ink and is positioned above the typed name.

for Ken S. Berg, Manager
Western Washington Fish and Wildlife Office

Enclosure(s)

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, CRITICAL
HABITAT, CANDIDATE SPECIES, AND SPECIES OF CONCERN THAT MAY
OCCUR IN THE VICINITY OF THE PROPOSED
BRITISH PETROLEUM CHERRY POINT REFINERY COGENERATION PROJECT
IN WHATCOM COUNTY, WASHINGTON**

(T39N R1E S8)

FWS REF: 1-3-02-SP-1994

LISTED

Wintering bald eagles (*Haliaeetus leucocephalus*) may occur in the vicinity of the project. Wintering activities occur from October 31 through March 31.

Bull trout (*Salvelinus confluentus*) may occur in the vicinity of the project.

Major concerns that should be addressed in your biological assessment of the project impacts to listed species include:

1. Level of use of the project area by listed species;
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project; and
3. Impacts from project construction (i.e., habitat loss, increased noise levels, increased human activity) that may result in disturbance to listed species and/or their avoidance of the project area.

PROPOSED

None

CANDIDATE

None

CRITICAL HABITAT

None

SPECIES OF CONCERN

The following species of concern have been documented in the county where the project is located. These species or their habitat could be located on or near the project site. Species in **bold** were specific occurrences located on the database within a 1-mile radius of the project site.

California wolverine (*Gulo gulo luteus*)
Cascades frog (*Rana cascadae*)
Coastal cutthroat trout (*Oncorhynchus clarki clarki*)
Long-eared myotis (*Myotis evotis*)
Long-legged myotis (*Myotis volans*)
Northern goshawk (*Accipiter gentilis*)
Olive-sided flycatcher (*Contopus cooperi*)
Pacific fisher (*Martes pennanti pacifica*)
Pacific lamprey (*Lampetra tridentata*)
Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)
Peregrine falcon (*Falco peregrinus*)
River lamprey (*Lampetra ayresi*)
Tailed frog (*Ascaphus truei*)

ATTACHMENT B

FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) AND 7(c) OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED

SECTION 7(a) - Consultation/Conference

- Requires:
1. Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
 2. Consultation with the U.S. Fish and Wildlife Service (FWS) when a Federal action may affect a listed endangered or threatened species to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after it has determined if its action may affect (adversely or beneficially) a listed species; and
 3. Conference with the FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or an adverse modification of proposed critical habitat.

SECTION 7(c) - Biological Assessment for Construction Projects *

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify any proposed and/or listed species that is/are likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, please verify the accuracy of the list with the Service. No irreversible commitment of resources is to be made during the BA process which would result in violation of the requirements under Section 7(a) of the Act. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should (1) conduct an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within the FWS, National Marine Fisheries Service, state conservation department, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures; and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. Upon completion, the report should be forwarded to our Endangered Species Division, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503-1273.

* "Construction project" means any major Federal action which significantly affects the quality of the human environment (requiring an EIS), designed primarily to result in the building or erection of human-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal action such as permits, grants, licenses, or other forms of Federal authorization or approval which may result in construction.

Golder Associates Inc.

18300 NE Union Hill Road, Suite 200
Redmond, WA 98052-3333
Telephone (425) 883-0777
Fax (425) 882-5498



November 6, 2001

Our Ref.: 013-1421.543

Nancy J. Gloman
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503-1273

Re: Endangered Species Act Listed Species

Subject: BP Cherry Point Refinery Cogeneration Project

Dear Ms. Gloman:

Golder Associates Inc., is assisting the BP Cherry Point Refinery with an Endangered Species Act Biological Assessment (BA). The BA is for a proposed cogeneration plant to be located adjacent to the refinery in Blaine, Washington. In addition to the power plant, a short transmission line corridor will be established linking the proposed power plant to the nearest existing power line corridor.

A map of the project location is included with this letter. The location coordinates for the proposed power plant and pipelines are T39N, R1E, Section 8 and approximately latitude 48°53.252' N and longitude 122°43.266'W (square symbol at the center of the enclosed map).

We anticipate that the Army Corps of Engineers will request a Biological Assessment in response to Sections 401 and 404 permit application. Thus, we are requesting a list of known occurrences of listed threatened or endangered and proposed or candidate species in the project vicinity. This species list was previously requested on June 7, 2001. However, because of the anticipated schedule of the permit application submission and the fact that the Service has recently published an updated list, we request a new updated list for this project site.

Please send the information as soon as possible to my attention at Golder Associates Inc.. If you have any questions, please call me at (425) 883-0777 or e-mail at <mkyte@golder.com>. Thank you for your assistance.

Sincerely,

Michael A. Kyte
Senior Marine Biologist

MAK/lag
1106mk2.doc

cc: Jim Thornton

Golder Associates Inc.

18300 NE Union Hill Road, Suite 200
Redmond, WA 98052-3333
Telephone (425) 883-0777
Fax (425) 882-5498
June 7, 2001



Nancy J. Gloman
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, WA 98503-1273

Our Ref: 013-1421
Task 540

Re: Endangered Species List,
Whatcom County

Dear Ms. Gloman:

Golder Associates is requesting a list of proposed threatened or endangered species, candidate species and species of concern that may be present within the area of proposed construction of a cogeneration facility in Whatcom County, Washington (T 39N, R 1E, S 8).

Please send this confirmation as soon as possible to my attention at Golder Associates. If you have any questions, please call me at 425 883-0777. Thank you for your assistance. I can also be contacted via email at Bgurshaw@golder.com.

Sincerely,

A handwritten signature in black ink that reads "B. Gurshaw". The signature is fluid and cursive.

Becky Gurshaw
Staff Biologist
GOLDER ASSOCIATES INC.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Western Washington Office

510 Desmond Drive SE, Suite 102

Lacey, Washington 98503

Phone: (360) 753-9440 Fax: (360) 534-9331

JUL 24 2001

Dear Species List Requester:

We are providing the information you requested to assist your determination of possible impacts of a proposed project to species of Federal concern. Attachment A includes the listed threatened and endangered species, species proposed for listing, candidate species, and/or species of concern that may be within the area of your proposed project.

Any Federal agency, currently or in the future, that provides funding, permitting, licensing, or other authorization for this project must assure that its responsibilities section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act), are met. Attachment B outlines the responsibilities of Federal agencies for consulting or conferencing with us (U.S. Fish and Wildlife Service).

If both listed and proposed species occur in the vicinity of a project that meets the requirements of a major Federal action (i.e., "major construction activity"), impacts to both listed and proposed species must be considered in a biological assessment (BA) (section 7(c); see Attachment B). Although the Federal agency is not required, under section 7(c), to address impacts to proposed species if listed species are not known to occur in the project area, it may be in the Federal agency's best interest to address impacts to proposed species. The listing process may be completed within a year, and information gathered on a proposed species could be used to address consultation needs should the species be listed. However, if the proposed action is likely to jeopardize the continued existence of a proposed species, or result in the destruction or adverse modification of proposed critical habitat, a formal conference with us is required by the Act (section 7(a)(4)). The results of the BA will determine if conferencing is required.

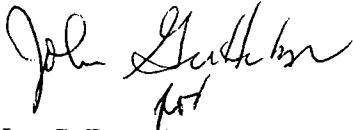
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Candidate species and species of concern are those species whose conservation status is of concern to us, but for which additional information is needed. Candidate species are included as an advance notice to Federal agencies of species that may be proposed and listed in the future. Conservation measures for candidate species and species of concern are voluntary but recommended. Protection provided to these species now may preclude possible listing in the future.

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Thank you for your assistance in protecting listed threatened and endangered species and other species of Federal concern. If you have additional questions, please contact Yvonne Dettlaff (360) 753-9582.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken S. Berg". The signature is fluid and cursive, with a small "KSB" monogram below the main signature.

Ken S. Berg, Manager
Western Washington Office

Enclosure(s)

cc: FERC

July 19, 2001

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES, CRITICAL
HABITAT, CANDIDATE SPECIES, AND SPECIES OF CONCERN THAT MAY OCCUR
WITHIN THE VICINITY OF THE PROPOSED
COGENERATION FACILITY PROJECT
IN WHATCOM COUNTY, WASHINGTON**

(T39N R01E S08)

FWS REF: 1-3-01-SP-1788

LISTED

Wintering bald eagles (*Haliaeetus leucocephalus*) may occur in the vicinity of the project. Wintering activities occur from October 31 through March 31.

Bull trout (*Salvelinus confluentus*) may occur in the vicinity of the project.

Major concerns that should be addressed in your biological assessment of the project impacts to listed species include:

1. Level of use of the project area by listed species,
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project, and
3. Impacts from project construction (i.e., habitat loss, increased noise levels, increased human activity) that may result in disturbance to listed species and/or their avoidance of the project area.

PROPOSED

None

CANDIDATE

None

CRITICAL HABITAT

None

SPECIES OF CONCERN

The following species of concern have been documented in the county where the project is located. These species or their habitat could be located on or near the project site. Species in **bold** were specific occurrences located on the database within a 1 mile radius of the project site.

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Pacific Townsend's big-eared bat (*Accipiter gentilis*)
Peregrine falcon (*Falco peregrinus*)
River lamprey (*Lampetra ayresi*)
Tailed frog (*Ascaphus truei*)
Yellow-billed cuckoo (*Coccyzus americanus*)

ATTACHMENT B

FEDERAL AGENCIES' RESPONSIBILITIES UNDER SECTIONS 7(a) AND 7(c) OF THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED

SECTION 7(a) - Consultation/Conference

- Requires:
1. Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
 2. Consultation with the U.S. Fish and Wildlife Service (FWS) when a Federal action may affect a listed endangered or threatened species to ensure that any action authorized, funded, or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The process is initiated by the Federal agency after it has determined if its action may affect (adversely or beneficially) a listed species; and
 3. Conference with the FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or an adverse modification of proposed critical habitat.

SECTION 7(c) - Biological Assessment for Construction Projects *

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify any proposed and/or listed species that is/are likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, please verify the accuracy of the list with the Service. No irreversible commitment of resources is to be made during the BA process which would result in violation of the requirements under Section 7(a) of the Act. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should (1) conduct an onsite inspection of the area to be affected by the proposal, which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within the FWS, National Marine Fisheries Service, state conservation department, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures; and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. Upon completion, the report should be forwarded to our Endangered Species Division, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503-1273.

* "Construction project" means any major Federal action which significantly affects the quality of the human environment (requiring an EIS), designed primarily to result in the building or erection of human-made structures such as dams, buildings, roads, pipelines, channels, and the like. This includes Federal action such as permits, grants, licenses, or other forms of Federal authorization or approval which may result in construction.



Northwest Region Species List

Endangered, Threatened, Proposed, and Candidate Species under
National Marine Fisheries Service Jurisdiction that Occur in Oregon, Washington, and Idaho

Listed Species

Coho Salmon (*Oncorhynchus kisutch*)

- Southern Oregon/Northern California Coasts Evolutionarily Significant Unit (ESU)(Threatened)
- Oregon Coast ESU (Threatened)

Chinook Salmon (*O. tshawytscha*)

- Snake River Fall-run ESU (Threatened)
- Snake River Spring/Summer-run ESU (Threatened)
- Puget Sound ESU (Threatened)
- Lower Columbia River ESU (Threatened)
- Upper Willamette River ESU (Threatened)
- Upper Columbia River Spring-run ESU (**Endangered**)

Chum Salmon (*O. keta*)

- Hood Canal Summer-run ESU (Threatened)
- Columbia River ESU (Threatened)

Sockeye Salmon (*O. nerka*)

- Snake River ESU (**Endangered**)
- Ozette Lake ESU (Threatened)

Steelhead (*O. mykiss*)¹

- Upper Columbia River ESU (Endangered)
- Snake River Basin ESU (Threatened)
- Lower Columbia River ESU (Threatened)
- Upper Willamette River ESU (Threatened)
- Middle Columbia River ESU (Threatened)

Sea-run Cutthroat Trout (*O. clarki clarki*)

- Umpqua River ESU (Endangered)

Proposed for Listing

Chinook Salmon

- Southern Oregon/Northern California Coastal ESU (Proposed Threatened)

Sea-run Cutthroat Trout

- Southwestern Washington/Columbia River ESU (Proposed Threatened)

Candidates for Listing

Coho Salmon

- Puget Sound/Straight of Georgia ESU
- Lower Columbia River/Southwest Washington ESU

Steelhead

- Klamath Mountains Province ESU
- Oregon Coast ESU

Sea-run Cutthroat Trout

- Oregon Coast ESU

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Updated February 2, 2000
Species List Updated April 1999

Fisheries Northwest Region

Table 2.

Endangered and Threatened Marine Mammals
and Sea Turtles
Under the Jurisdiction of the
National Marine Fisheries Service (NMFS)
That May Occur off Washington and Oregon

MARINE MAMMALS:

Humpback Whale	(E)	<i>Megaptera novaeangliae</i>
Blue Whale	(E)	<i>Balaenoptera musculus</i>
Fin Whale	(E)	<i>Balaenoptera physalus</i>
Sei Whale	(E)	<i>Balaenoptera borealis</i>
Sperm Whale	(E)	<i>Physeter macrocephalus</i>
Steller Sea Lion	(T)	<i>Eumetopias jubatus</i>

MARINE TURTLES:

Leatherback Sea Turtle	(E)	<i>Dermochelys coriacea</i>
Loggerhead Sea Turtle	(T)	<i>Caretta caretta</i>

Endangered and Threatened Marine Mammals
and Sea Turtles
Under the Jurisdiction of the
National Marine Fisheries Service (NMFS)
That May Occur in The Puget Sound

MARINE MAMMALS:

Humpback Whales	(E)	<i>Megaptera novaeangliae</i>
Steller Sea Lion	(T)	<i>Eumetopias jubatus</i>

MARINE TURTLES:

Leatherback Sea Turtle	(E)	<i>Dermochelys coriacea</i>
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[Fisheries NW Region Homepage](http://www.nwr.noaa.gov/1seals/marmamlist.html)

**Habitat Conservation Division****NOAA Fisheries****National Marine Fisheries Service**

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- Puget Sound ESU (Threatened)
- Lower Columbia River ESU (Threatened)
- Upper Willamette River ESU (Threatened)
- Upper Columbia River Spring-run ESU (**Endangered**)

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- Hood Canal Summer-run ESU (Threatened)
- Columbia River ESU (Threatened)

Sockeye Salmon (*O. nerka*)

- Snake River ESU (**Endangered**)
- Ozette Lake ESU (Threatened)

Steelhead (*O. mykiss*)¹

- Upper Columbia River ESU (Endangered)
- Snake River Basin ESU (Threatened)
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Steller Sea Lion	(T)	<i>Eumetopias jubatus</i>

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Endangered and Threatened Marine Mammals
and Sea Turtles
Under the Jurisdiction of the
National Marine Fisheries Service (NMFS)
That May Occur in The Puget Sound

MARINE MAMMALS:

Humpback Whales	(E)	<i>Megaptera novaeangliae</i>
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MARINE TURTLES:

Leatherback Sea Turtle	(E)	<i>Dermochelys coriacea</i>
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